

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0493-02  
Bill No.: HB 372  
Subject: Courts; Crimes and Punishment; Health Care; Health Department  
Type: Original  
Date: February 12, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$14,550)	(\$26,350)	(\$28,204)
Trauma Center*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$14,550)</b>	<b>(\$26,350)</b>	<b>(\$28,204)</b>

\*Revenue and costs of \$2,363,366 annually net to \$0.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

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## **FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** assume the proposed legislation would impose a \$25 surcharge on intoxication-related traffic and weapons-related cases where there is a conviction, with the proceeds going into a trauma center fund administered by the state treasurer. The proposal would require clerks to make decisions in cases as to whether the surcharge should be taxed. This would involve clerks readily identifying the type case at disposition and would be subject to some error. In fiscal year 1999, CTS identified approximately 20,000 cases where the surcharge might be taxed, although it is difficult to match criminal charge codes at disposition in an easy to implement manner. Thus, in theory, as much as \$500,000 might be collected; however, a significant percentage of convicted defendants are indigent and collection is unlikely. Therefore, we would expect actual collections to be somewhat less than the theoretical amount.

In addition, CTS states the proposal would also impose a \$3 surcharge on all criminal cases including county ordinance, violation of state criminal or traffic law, including infractions, to go to trauma centers. Preliminary figures for FY 2000 indicate that there would be as many as 621,122 cases in the circuits courts where this fee might be applicable. CTS states they do not have data from municipal courts. CTS states they cannot estimate the number of these cases where the defendants would be indigent and the surcharge would not apply but it could be significant.

**Department of Health (DOH)** officials state this proposal would require the DOH to report to the State Treasurer the number of trauma cases treated at each trauma center in the state. After further review of DOH activities, DOH would need to implement a trauma registry system and costs for software maintenance and technical support would be incurred. The proposal would also allow the DOH to receive up to one and one-half percent of the moneys in the trauma fund to defray the administrative costs associated with providing this required information to the State Treasurer. DOH states they are unable to predict the actual amount of revenue due to the fact there is no way to project the amount that would be collected from the violations. DOH states it has been estimated by the software vendor that annual maintenance and technical support for this software would cost \$60,000 annually.

Officials from the **St. Louis County Circuit Court (Circuit)** estimates that, based on an average over the last three years and the number of criminal/traffic cases disposed, they could collect \$60,000 for surcharges in a calendar year. In addition, the Circuit could collect an additional \$45,000 annually for the additional \$25 court cost. The Circuit states there would be no additional clerical time for the \$3 surcharge. There would be minimal cost for programming changes in their accounting system to allow the capability for billing the additional \$3 surcharge. In addition, there could be additional clerical time spent for the \$25 increase in court costs since

ASSUMPTION (continued)

this cost would only be assessed on certain cases in violation of certain statutes. The additional clerical time would be minimal. There would also be a minimal cost for a programming change to their accounting systems to allow the capability for billing the additional \$25 court cost on certain criminal/traffic cases.

**Oversight** assumes the dollar amount provided by CTS is adequate for the purposes of this fiscal note. Based on the projected \$500,000 in court costs to be collected, Oversight has calculated the amount to be provided to cover administrative costs of the circuit clerks, Office of the State Treasurer, and Department of Health.

The **Office of Attorney General**, the **Department of Public Safety - Missouri State Highway Patrol**, and the **Office of State Treasurer** did not respond to our fiscal impact request. However, in responding to a similar proposal last session, these agencies assumed no fiscal impact.

Officials from the **City of St. Louis Circuit Clerk**, the **Cole County Circuit Clerk**, the **Greene County Circuit**, the **Boone County Circuit**, and the **Jackson County Circuit Clerk** did not respond to our fiscal impact request.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE FUND</b>			
<u>Income - Office of State Treasurer</u>			
Administrative reimbursement	\$23,634	\$23,634	\$23,634
<u>Income - Department of Health</u>			
Administrative reimbursement	\$35,450	\$35,450	\$35,450
<u>Costs - Office of State Treasurer</u>			
Administrative costs	(\$23,634)	(\$23,634)	(\$23,634)
<u>Costs - Department of Health</u>			
Administrative costs	(\$50,000)	(\$61,800)	(\$63,654)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$14,550)</u></b>	<b><u>(\$26,350)</u></b>	<b><u>(\$28,204)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>TRAUMA CENTER FUND</b>			
<u>Income - Office of State Treasurer</u>			
\$3 surcharge	\$1,863,366	\$1,863,366	\$1,863,366
\$25 court costs	<u>\$500,000</u>	<u>\$500,000</u>	<u>\$500,000</u>
Total <u>Income</u> - Office of State Treasurer	<u>\$2,363,366</u>	<u>\$2,363,366</u>	<u>\$2,363,366</u>
<u>Costs - Office of State Treasurer</u>			
Distribution to trauma regions	(\$2,304,282)	(\$2,304,282)	(\$2,304,282)
Administrative reimbursements - DOH	(\$35,450)	(\$35,450)	(\$35,450)
Administrative reimbursements - STO	<u>(\$23,634)</u>	<u>(\$23,634)</u>	<u>(\$23,634)</u>
Total <u>Costs</u> - Office of State Treasurer	<u>(\$2,363,366)</u>	<u>(\$2,363,366)</u>	<u>(\$2,363,366)</u>
<b>ESTIMATED NET EFFECT ON TRAUMA CENTER FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>CIRCUIT CLERKS</b>			
<u>Income - Circuit Clerks</u>			
Court costs - \$3 surcharge	\$1,863,366	\$1,863,366	\$1,863,366
Court costs - \$25 court cost	<u>\$500,000</u>	<u>\$500,000</u>	<u>\$500,000</u>
Total <u>Income</u> - Court Clerks	<u>\$2,363,366</u>	<u>\$2,363,366</u>	<u>\$2,363,366</u>
<u>Costs - Circuit Clerks</u>			
Distributions to State Treasurer	<u>(\$2,363,366)</u>	<u>(\$2,363,366)</u>	<u>(\$2,363,366)</u>
<b>ESTIMATED NET EFFECT ON CIRCUIT CLERKS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

MW:LR:OD (12/00)

## DESCRIPTION

This proposal would authorize the establishment of the Trauma Center Fund in the state treasury. The State Treasurer, in consultation with the Department of Health, would distribute moneys in the fund on a quarterly basis to designated trauma centers located in Missouri. Moneys in the fund would be obtained from a \$3 surcharge established in the proposal and from an additional court cost of \$25 which is also established in the proposal. Provisions concerning the allocation of moneys in the fund and the calculation of payments to designated trauma centers are stated in the proposal. The department would be required to provide the State Treasurer with all necessary information in order to distribute payments. The department and the State Treasurer would be allowed to receive a specified percentage of the moneys in the fund to cover administrative costs. Moneys in the Trauma Center Fund would not revert to the General Revenue Fund at the end of the biennium.

The proposal would also allow persons who are found guilty or who enter a plea of guilty or nolo contendere (no contest) to an intoxication-related traffic offense as defined in Section 577.023, RSMo, or any weapons offense as defined in Chapter 571, to be charged an additional court cost of \$25 to the clerk of the court. In addition to other fines or court costs, a \$3 surcharge would be assessed in all criminal cases, violations of any county ordinance, criminal law, or traffic law of this state, including infractions. No surcharge would be collected in a court when the proceeding or the defendant has been dismissed or when costs are paid by the state, a county, or municipality. The proceeds of the surcharge would be collected and dispersed as required by Sections 488.010 to 488.020, pertaining to court costs, and would be payable to the state.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Health

**NOT RESPONDING: Office of Attorney General, Department of Public Safety - Missouri  
State Highway Patrol, Office of State Treasurer, City of St. Louis Circuit Clerk, Cole  
County Circuit Clerk, Greene County Circuit, Boone County Circuit, Jackson County  
Circuit Clerk**

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA  
Director

February 12, 2001